

1-1 By: Watson, Lucio S.B. No. 542  
 1-2 (In the Senate - Filed February 13, 2013; February 20, 2013,  
 1-3 read first time and referred to Committee on Education;  
 1-4 April 15, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 15, 2013,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 542 By: Lucio

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to alternative dispute resolution methods regarding  
 1-22 educational services for students with disabilities, including  
 1-23 individualized education program facilitation.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter A, Chapter 29, Education Code, is  
 1-26 amended by adding Sections 29.019 and 29.020 to read as follows:

1-27 Sec. 29.019. INDIVIDUALIZED EDUCATION PROGRAM

1-28 FACILITATION. (a) The agency shall provide information to parents  
 1-29 regarding individualized education program facilitation as an  
 1-30 alternative dispute resolution method that may be used to avoid a  
 1-31 potential dispute between a school district and a parent of a  
 1-32 student with a disability. A district that chooses to use  
 1-33 individualized education program facilitation shall provide  
 1-34 information to parents regarding individualized education program  
 1-35 facilitation. The information:

1-36 (1) must be included with other information provided  
 1-37 to the parent of a student with a disability, although it may be  
 1-38 provided as a separate document; and

1-39 (2) may be provided in a written or electronic format.

1-40 (b) Information provided by the agency under this section  
 1-41 must indicate that individualized education program facilitation  
 1-42 is an alternative dispute resolution method that some districts may  
 1-43 choose to provide.

1-44 (c) If a school district chooses to offer individualized  
 1-45 education program facilitation as an alternative dispute  
 1-46 resolution method:

1-47 (1) the district may determine whether to use  
 1-48 independent contractors, district employees, or other qualified  
 1-49 individuals as facilitators;

1-50 (2) the information provided by the district under  
 1-51 this section must include a description of any applicable  
 1-52 procedures for requesting the facilitation; and

1-53 (3) the facilitation must be provided at no cost to a  
 1-54 parent.

1-55 (d) The use of any alternative dispute resolution method,  
 1-56 including individualized education program facilitation, must be  
 1-57 voluntary on the part of the participants, and the use or  
 1-58 availability of any such method may not in any manner be used to  
 1-59 deny or delay the right to pursue a special education complaint,  
 1-60 mediation, or due process hearing in accordance with federal law.

2-1 (e) Nothing in this section prohibits a school district from  
2-2 using individualized education program facilitation as the  
2-3 district's preferred method of conducting initial and annual  
2-4 admission, review, and dismissal committee meetings.

2-5 (f) The commissioner shall adopt rules necessary to  
2-6 implement this section.

2-7 Sec. 29.020. INDIVIDUALIZED EDUCATION PROGRAM FACILITATION  
2-8 PROJECT. (a) The agency shall develop rules in accordance with  
2-9 this section applicable to the administration of a state  
2-10 individualized education program facilitation project. The  
2-11 program shall include the provision of an independent  
2-12 individualized education program facilitator to facilitate an  
2-13 admission, review, and dismissal committee meeting with parties who  
2-14 are in a dispute about decisions relating to the provision of a free  
2-15 appropriate public education to a student with a disability.  
2-16 Facilitation implemented under the project must comply with rules  
2-17 developed under this subsection.

2-18 (b) The rules must include:

2-19 (1) a definition of independent individualized  
2-20 education program facilitation;

2-21 (2) forms and procedures for requesting, conducting,  
2-22 and evaluating independent individualized education program  
2-23 facilitation;

2-24 (3) training, knowledge, experience, and performance  
2-25 requirements for independent facilitators; and

2-26 (4) conditions required to be met in order for the  
2-27 agency to provide individualized education program facilitation at  
2-28 no cost to the parties.

2-29 (c) If the commissioner determines that adequate funding is  
2-30 available, the commissioner may authorize the use of federal funds  
2-31 to implement the individualized education program facilitation  
2-32 project in accordance with this section.

2-33 (d) The commissioner shall adopt rules necessary to  
2-34 implement this section.

2-35 SECTION 2. This Act applies beginning with the 2014-2015  
2-36 school year.

2-37 SECTION 3. This Act takes effect immediately if it receives  
2-38 a vote of two-thirds of all the members elected to each house, as  
2-39 provided by Section 39, Article III, Texas Constitution. If this  
2-40 Act does not receive the vote necessary for immediate effect, this  
2-41 Act takes effect September 1, 2013.

2-42 \* \* \* \* \*